

12 FAM 300

PHYSICAL SECURITY PROGRAMS

12 FAM 310

PHYSICAL SECURITY OF FACILITIES ABROAD

(CT:DS-223; 11-25-2014)
(Office of Origin: DS/C/PSP)

12 FAM 311 SCOPE AND AUTHORITY

12 FAM 311.1 Policy

(CT:DS-121; 09-21-2006)

This section implements the security responsibilities of the Secretary under the Secure Embassy Construction and Counterterrorism Act of 1999 (SECCA) and the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

12 FAM 311.2 Applicability

(CT:DS-223; 11-25-2014)

- a. All United States diplomatic facilities abroad, constructed or acquired after November 29, 1999, must meet SECCA's 100-foot setback requirement, unless the requirement is waived in accordance with the procedures under SECCA. In addition, when a new United States diplomatic facility is constructed or acquired abroad, all United States Government executive branch employees at the post (except those under the command of a United States area military commander) will be located on the site, unless the collocation requirement is waived in accordance with the procedures under SECCA. U.S. Government executive branch employees include U.S. citizens and Locally Employed Staff (LE Staff) employed via direct-hire appointments, Personal Services Contracts (PSCs), or Personal Services Agreements (PSAs) (2 FAH-2 H-114).*
- b. Security standards and policies published in 12 FAM Diplomatic Security, 12 FAH-5 Physical Security Handbook, and 12 FAH-6 Overseas Security and Policy Handbook (OSPB) Security Standards and Policy Handbook apply to all facilities owned or leased by the USG and occupied by USG personnel under COM authority. This includes all new embassy compounds (NECs), new office*

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buildings (NOBs), newly acquired buildings (NABs), and existing office buildings (EOBs). For EOBs only, the physical security standards apply to the maximum extent feasible or practicable as defined in 12 FAH-5 H-121.1.

- c. These statutory requirements and standards apply to *these* facilities, *whether acquired* or *constructed for temporary, interim, or permanent occupancy*.

12 FAM 311.3 Authorities

(CT:DS-223; 11-25-2014)

- a. Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399;) (22 U.S.C. 4801, et seq.).
- b. Secure Embassy Construction and Counterterrorism Act of 1999 (Public Law 106-113; 22 U.S.C. 4865) *with an effective date of November 29, 1999*, and Conference Report 106-479.
- c. Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228), Section 505 (22 U.S.C. 3927, as amended) (Exemption of Voice of America Correspondents on Official Assignment from Responsibilities of the Secretary and Chief of Mission).
- d. Section 691 (Public Law 107-228) Sense of Congress Regarding the Location of Peace Corps Offices Abroad.
- e. *President's Letter of Instruction to the Chief of Mission*

12 FAM 312 PROGRAM MANAGEMENT RESPONSIBILITIES

(CT:DS-223; 11-25-2014)

- a. *The* President's Letter to each COM at the beginning of an administration or when appointed *states that* each COM is directly responsible for the *mission's* security (1 FAM 013; 2 FAH-2 H-112.3).
- b. The Office of Physical Security Programs, Physical Security Division (DS/PSP/PSD) *ensures* that all new construction and major renovation design plans comply with SECCA requirements and OSPB physical security standards *when applicable*.
- c. *Where applicable, the* Bureau of Overseas Buildings Operations (OBO) *incorporates* SECCA requirements and OSPB security standards and policies into building projects (1 FAM 281).

12 FAM 313 SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT (SECCA)

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(CT:DS-223; 11-25-2014)

- a. SECCA establishes statutory *collocation and setback* requirements for U.S. diplomatic facilities *abroad*:
 - (1) Collocation: The Department, in selecting a site for any new U.S. diplomatic facility abroad, must collocate all U.S. Government personnel at the post (except those under the command of an area military commander) on the site; and
 - (2) Setback: Each newly acquired U.S. diplomatic facility must be sited not less than 100 feet (30.48 m) from the perimeter of the property on which the facility is *to be* situated.
- b. *For* purposes of the *application of* SECCA, *a U.S. diplomatic facility is* any chancery, consulate, or other office notified to the host government as diplomatic or consular premises in accordance with the Vienna Conventions on Diplomatic and Consular Relations, *or otherwise* subject to a publicly available bilateral agreement with the host government (*contained in the records of the United States Department of State*) that recognizes the official status of U.S. Government personnel present *at* the facility.
- c. Normally, under the parameters of this definition, certain types of *facilities* are excluded:
 - (1) Offices occupied by U.S. Government personnel at facilities owned and operated by the host-country government to accomplish their mission, e.g., U.S. military training, anti-terrorism assistance training; sales support and liaison offices collocated with host-country ministries or military units; protective service missions for foreign government heads of state; and U.S. Treasury personnel working in a host nation Ministry of Finance;
 - (2) Commercial office space or hotel rooms rented for temporarily assigned U.S. Government personnel supporting a short-term international conference or meeting;
 - (3) U.S. Customs *and Border Protection* pre-clearance centers (*CBP*) *and Open Source Centers (OSC)*;
 - (4) *Construction facilities on areas of new construction, unless and until the site is notified to the host government as diplomatic or consular premises in accordance with the Vienna Conventions;*
 - (5) Facilities occupied by Peace Corps volunteers but not country directors and staff;
 - (6) Residential facilities or spaces;
 - (7) Warehouses (storage only), garages, guard booths, *Compound Access Control (CAC) buildings*, and other non-office facilities;
 - (8) Consular agencies and *Centers* for Disease Control *and Prevention* (CDC) research laboratory facilities operating from non-U.S. Government-leased

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spaces;

- (9) Non-U.S. Governmental organizations leasing U.S. Government facilities;
- (10) Voice of America (VOA) relay stations (*exempted from collocation requirement* only); and
- (11) VOA Correspondents on official assignment.

12 FAM 314 OSPB SECURITY STANDARDS

(CT:DS-223; 11-25-2014)

- a. *The* Office of Physical Security Programs (DS/C/PSP) in concert with OSPB working groups developed and is responsible for a number of security standards, as approved by the OSPB, for *four* of *five* threat categories – *terrorism*, political violence, technical, and crime. (Those involving technical threat are a shared responsibility with the Office of Security Technology (DS/C/ST). These standards cover Armored Vehicles; Classified Facility Lock and Leave; Construction Security; Construction Materials and Transit Security; Design and Construction of Controlled Access Areas (*CAAs*); Physical Security of Unclassified Warehouses; Post Communications Centers; Physical Security of *Public Office Facilities; On-compound residences*; Secure Procurement for *CAAs*; and Special Protective Equipment. OSPB security standards for Local *Guard Force (LGF) programs*, Residential *Security*, and Emergency Plans and Exercises, are the responsibility of the International Programs *Directorate (DS/IP)*. OSPB security standards *involving technical measures to counter* human intelligence and other technical threats are the responsibility of DS/C/ST. *The* standards *above* are covered in 12 FAH-6.
- b. The Office of Intelligence and Threat Analysis (*DS/TIA/ITA*) *reviews and updates* the Security Environment Threat List (SETL) *every six months and publishes updates on at least an annual basis to reflect* the level of threat in each of the *five* threat categories (12 FAH-6 H-012).

12 FAM 315 WAIVERS AND EXCEPTIONS

12 FAM 315.1 SECCA – Waiver Authority

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- a. The Secretary may waive the statutory collocation requirement only if the Secretary, together with the head of each agency employing personnel that would not be located at the site, *determine* that security considerations permit *separate locations* and it is in the national interest of the United States.
- b. The *Secretary may waive the setback* requirement if the Secretary determines that security considerations permit and it is in the national interest of the

United States.

- c. The Secretary may not delegate the waiver authority *for* the collocation and setback requirements *with respect to* a chancery or consulate building. For this purpose, a chancery or consulate building is a building solely or substantially occupied by the U.S. Government that is newly constructed or otherwise acquired where the main business of the U.S. Government is performed in that city.
- d. The Secretary has delegated the waiver authority *of* the collocation and setback requirements *with respect to U.S. diplomatic facilities* other *than* chancery *or* consulate *buildings (as those terms are defined under the statute)* to the Assistant Secretary for Diplomatic Security (*A/S DS*), in consultation with the *OBO* Director.
- e. *Direct applications for* waivers *of* collocation and setback requirements *to DS/PSP/PSD* for processing and evaluation, prior to being forwarded to the Assistant Secretary for approval or recommendation to the Secretary. Waiver requests must contain all of the information stipulated in 12 FAH-5 H-300.

12 FAM 315.2 OSPB Security Standards – Exception Authority

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- a. *New facilities must meet all* OSPB security standards whether constructed or acquired by purchase or lease. Every attempt *must* be made to acquire sites or new facilities that meet, *or can be upgraded to meet*, physical security standards. *With the exception of facilities meeting the tenant of commercial office building standard, facilities should be* noncontiguous with adjacent buildings *and have sufficient floor loading capacity to support security upgrades.* If compliance with one or more standards of those identified in 12 FAM 314(a) *is* not possible for a specific building, the post, agency, or Department organization *must apply for an exception to the standard(s).* *Direct applications* for exceptions *to DS/PSP/PSD* for processing and evaluation prior to being forwarded to the Assistant Secretary for Diplomatic Security(*A/S DS*). Exception requests must contain all of the information stipulated in 12 FAH-5 H-200.
- b. Regional Security Officers (RSOs) *must* ensure that *EOBs meet* physical security standards to the maximum extent practicable or feasible. Feasibility is determined by physical limitations, legal constraints, and practicality (*see* 12 FAH-5 H-121.1). This includes agency-specific applications of those standards as defined by agreements approved by the Assistant Secretary for Diplomatic Security(*A/S DS*). Although exception requests are not required when physical security standards cannot be met due to physical limitations, legal constraints, or practicality, *the RSO must obtain* documentation pertaining to the inability to institute a particular standard *and furnish* copies to the Office of International

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Programs and the Physical Security *Division DS/IP or DS/HTP and DS/PSP/PSD*.

- c. At least once every *three* years or upon the acquisition of a new facility, *major renovation, or major security upgrade*, RSOs must conduct physical security surveys of their post facilities to determine if such facilities within their regions meet the standards as required, and identify deficiencies requiring correction.

12 FAM 315.3 Compliance Prior to Occupancy

(CT:DS-223; 11-25-2014)

- a. *If the applicable requirements and standards cannot be met at a facility, occupancy of the facility is prohibited until appropriate waivers and exceptions are requested and approved by the A/S for DS and/or the Secretary (12 FAM-315).*
- b. New *chancery and consulate offices within commercial and other facilities* must meet collocation and 100-foot (30.48 m) setback statutory requirements *and OSPB physical security standards for a chancery or consulate in accordance with 12 FAH-6.*
- c. American Presence Posts, do not perform the same tasks as *chanceries or consulates* and are intended to operate with one or two *American* employees *with very few associated local employees (2 FAM 133.2)*. These facilities are best suited for location in a commercial building as a "Tenant of Commercial Office Space" for OSPB physical security standards purposes. *SECCA applies to these facilities.*

12 FAM 315.4 Chief of Mission/Principal Officer Approval

(CT:DS-223; 11-25-2014)

Unless an interagency agreement provides otherwise, the COM or principal officer (PO) is ultimately responsible for the physical security of U.S. Government executive branch personnel in a country (except those under the command of a U.S. area military commander, on the staff of an international organization, or VOA correspondents on official assignment) and their accompanying dependents at post and must approve waiver or exception requests.

12 FAM 315.5 Congressional Notification and Reporting Requirements

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- a. The Secretary must notify the appropriate congressional committees in writing of any waiver with respect to a chancery or consulate building and the reasons for the determination, not less than 15 days prior to implementing a statutory

collocation or setback waiver.

- b. By March 15, the *Department must submit to Congress the* annual report of all collocation and setback waivers granted under SECCA. *The* Secretary has delegated the responsibility for preparing *and submitting* the annual report of waivers to the Assistant Secretary for Diplomatic Security *A/S DS. . DS must* submit this report, including transmittal letters to Congress, to the Under Secretary for Political Affairs (*P*), who has been delegated the function *to approve* submission of reports to the Congress by the Secretary (Delegation of Authority No. 280).

12 FAM 316 NEC/NCC SECURITY SITE SELECTION CRITERIA

12 FAM 316.1 Policy

(CT:DS-223; 11-25-2014)

- a. *The site selection effort for a new embassy or consulate compound is a critical element in establishing a successful security program for the facility. Evaluation teams must determine whether certain physical features or conditions exist at a site that impacts its viability as an NEC/NCC site.*
- b. *Timely selection of sites is vital to improving the security of our missions. Security site selection criteria assist evaluation teams in evaluating new NEC/NCC sites. Therefore, excluding all sites, based on the criteria, is not a desirable option and it is the team's task to identify at least one site for recommendation as a preferred site, and one as a back-up site with proposed mitigation solutions if necessary.*
- c. *The site selection for a new embassy or consulate has practical and symbolic implications. The Department is committed to selecting sites that ensure the safety of the mission, enhance the conduct of U.S. foreign policy, and best represent the U.S. Government and American values. See 15 FAM 470 for a list of the Department's goals in the site selection process, as well as the multi-step process to ensure compliance of selected sites.*

12 FAM 316.2 Security Site Selection Criteria

(CT:DS-223; 11-25-2014)

a. *Security criteria:*

- (1) *Access: To enhance emergency response, life safety and procedural security, a minimum of two noncontiguous access points for entry/exit to streets for vehicles as they enter or exit the embassy or consulate compound is required. Both streets should allow bi-directional options for*

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vehicles. However, at least one street must provide bi-directional travel. Each access point must be capable of serving as an alternate route to/from the embassy or consulate compound. The secondary access point can be an existing roadway, or an ingress/egress path obtained through a lease, easement, or right-of-way under U.S. government control. Sites that cannot be served by at least two suitable routes for ingress/egress by the completion of the new embassy or consulate project will generally not be considered for acquisition. Proposed remedies must be documented and approved by DS prior to site acquisition;

- (2) Transportation adjacencies: Sites adjacent to elevated roadways, waterways with active watercraft traffic, active rail lines, or sites within one mile of an airport's property boundary, will generally not be considered for acquisition;*
- (3) Neighborhood risks: Sites in proximity to areas with high crime, gang activity, terrorist activity, military, or similar activity that pose high levels of risk for mission personnel, will generally not be considered for acquisition;*
- (4) Unacceptable neighbors: Adjacent properties occupied by unacceptable neighbors defined as state security, intelligence, police, shooting ranges, large commercial shopping, heavy industrial processing and storage facilities, or similar facilities, will generally not be considered for acquisition; and*
- (5) Crowd potential: Sites in proximity to facilities designed for use by very large crowds (sports stadiums, entertainment arenas, or public parks known for their potential to attract large crowds), will generally not be considered for acquisition.*

b. Opportunities for mitigation: To the extent security criteria cannot be met, mitigating solutions must be developed prior to site acquisition. These solutions must respond to the unique security and functional requirements of each site. They may include increased setback, enhanced physical security features, additional egress, visual screens or other site specific measures. The proposed mitigation program must be in writing and approved by DS prior to site acquisition.

12 FAM 317 THROUGH 319 UNASSIGNED